

UNITED STATES DISTRICT COURT

for the
Eastern District of New York

-----X)
NATIONAL LIABILITY & FIRE INSURANCE,)
COMPANY,)
)
Plaintiff,)
)
-against-)
)
)
M.I., Y.I., B.I., A.I., and J.I., Infants by their Mother and)
National Guardian, SHERON ITZKOWITZ, SHERON)
ITZKOWITZ, Individually, A.C., M.C. and A.C., Infants)
by their Mother and Natural Guardian, BLEEME)
COMPTON and BLEEME COMPTON, Individually,)
A.H., an Infant by his Father and Natural Guardian,)
YOSEF HERSHKOWITZ, and YOSEF HERSHKOWITZ,)
Individually, THE NEW YORK STATE THRUWAY)
AUTHORITY CORPORATION, AMY LYNN SIMON,)
d/b/a STONEY RIDGE TOP SOIL, AMY L.)
SIMON-HOEY, JOHN S. HOEY, VILLAGER)
CONSTRUCTION, INC., MAX ITZKOWITZ,)
YOSEF D. COMPTON, and MADISON TITLE)
AGENCY, LLC,)
)
)
Defendants.)
-----X)

Case No.: 1:12-CV-00345 (ILG)(CLP)

**RESPONSE TO PLAINTIFF'S
NOTICE FOR DISCOVERY
AND INSPECTION**

PLEASE TAKE NOTICE that Defendants M.I., Y.I., B.I., A.I. AND J.I., Infants by their Mother and Natural Guardian, SHERON ITZKOWITZ and SHERON ITZKOWITZ, Individually (“the Itzkowitz Defendants”), by and through their attorneys, hereby respond to Plaintiff’s Response to Notice of Discovery and Inspection, upon information and belief, respectfully allege:

GENERAL RESPONSES

The Itzkowitz defendants make these responses based on information and belief and reserve the right to supplement same at a later date, and reserve their right to object to the admission into evidence of any information contained herein.

RESPONSES

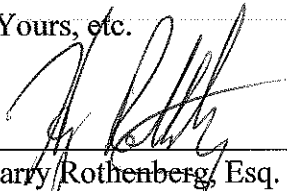
1. The Itzkowitz Defendants are not in possession of any records concerning cell phone calls made by Sheron Itzkowitz on April 7, 2010, but will search for same.
- 2, 3, 4 & 10. All of the relevant photographs in the possession of the Itzkowitz defendants are attached as Exhibits to their Response to First Set of Plaintiff's Interrogatories.
5. The Itzkowitz Defendants are presently not in possession of any documents concerning the damage to the Hoey vehicle as a result of the underlying incident. Said documents have been requested from the Hoey defendants in the underlying state court action but have not been received.
6. The Itzkowitz defendants are presently not aware of any documents concerning damages to the Itzkowitz vehicle but will search for same.
7. The Itzkowitz Defendants vehicle may be inspected on a date agreeable to all counsel by contacting the undersigned to arrange same.
8. The Itzkowitz Defendants are presently not in possession of any documents concerning the damage to the Compton vehicle as a result of the underlying incident.
9. The Itzkowitz Defendants can neither grant nor deny access to the Compton vehicle.
11. The Itzkowitz Defendants are presently not in possession of any written and/or recorded statements made by any person concerning the underlying incident.
12. See deposition transcripts of defendants B.I. and Sheron Itzkowitz attached hereto as Exhibit "1."

13. The police accident report; [annexed hereto as Exhibit "2"]; the deposition transcripts of B.I. and Sheron Itzkowitz [annexed as Exhibit "1,"]; the deposition transcripts of defendants Amy and John Hoey, which are upon information and belief already in the hands of plaintiff's counsel; the photographs exchanged in this and the state court actions; the Federal Motor Carrier Safety Act; the New York State Vehicle and Traffic Law; expert reports and testimony from any experts retained in this and/or the state court actions; testimony from the police and/or emergency responders; testimony from the drivers of the Itzkowitz and Compton vehicles; the tickets, citations, violations, and/or summonses received by John and/or Amy Hoey as a result of these incidents and prior incidents and/or inspections; and any discovery exchanged in this and the state court actions.

Dated: New York, New York
August 10, 2012

Yours, etc.

By: _____


Harry Rothenberg, Esq. (HR6795)
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TO: All Counsel of Record – *(Via ECF Filing)*

CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2012, a copy of the foregoing **PLAINTIFFS' FIRST SET OF INTERROGATORIES** was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, the Eastern District's Local Rules, and the Eastern District's Rules on Electronic Service upon the following parties:

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